

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

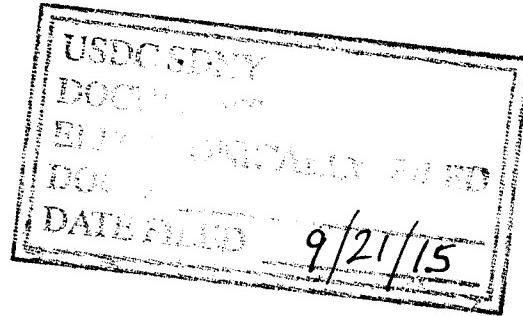
-----X
KANG MIN SUN, LIN ZHU, TONG WEI
WU, QIU MING FAN, and LI SHENG
ZHANG, on behalf of themselves and
FLSA Collective Plaintiffs, :
-----X

Plaintiffs, :
-----X

-against- :
-----X

GUANG JUN LI, GUANG LI LI,
LI JIANG, GRAND SICHUAN NY, INC.,
and GRAND SICHUAN 74 ST, INC., :
-----X

Defendants. :
-----X



REPORT AND RECOMMENDATION

13-CV-8507 (WHP) (KNF)

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

TO THE HONORABLE WILLIAM H. PAULEY III, UNITED STATES DISTRICT JUDGE

On July 29, 2015, the plaintiffs filed: (i) a notice of motion for judgment by default, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, against Grand Sichuan NY, Inc., Guang Jun Li and Li Guang Li (Docket Entry No. 79); and (ii) an affidavit by their counsel, Anne Selig, with exhibits (Docket Entry No. 80). In this judicial district, all motions shall include a “memorandum of law, setting forth the cases and other authorities relied upon in support of the motion, and divided, under appropriate headings, into as many parts as there are issues to be determined.” Local Civil Rule 7.1(a)(2). The plaintiffs failed to comply with Local Civil Rule 7.1(a)(2), because no such memorandum was included in the plaintiffs’ motion. The failure of a party to submit a memorandum of law with its motion, “standing alone, is sufficient cause for . . . denying a motion.” East 65 St. Realty Corp. v. Rinzer, No. 98 Civ. 6555, 2000 WL 303279, at * 2 (S.D.N.Y. March 22, 2000).

RECOMMENDATION

For the foregoing reason, I recommend that the plaintiffs' motion, Docket Entry No. 79, be denied.

FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections, and any responses to objections, shall be filed with the Clerk of Court, with courtesy copies delivered to the chambers of the Honorable William H. Pauley III, 500 Pearl Street, Room 201, New York, New York, 10007, and to the chambers of the undersigned, 40 Centre Street, Room 1920, New York, New York, 10007. Any requests for an extension of time for filing objections must be directed to Judge Pauley. ***Failure to file objections within fourteen (14) days will result in a waiver of objections and will preclude appellate review.*** See Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985); Cephas v. Nash, 328 F.3d 98, 107 (2d Cir. 2003).

Dated: New York, New York
September 21, 2015

Respectfully submitted,

kevin Nathaniel Fox

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE